

Attorney Docket No. 9144-5

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Michael Brader-Araje, et al.
Serial No.: 09/549,370
Filed: April 13, 2000
For: SYSTEMS, METHODS AND COMPUTER PROGRAM PRODUCTS THAT
FACILITATE PARTICIPATION IN ONLINE AUCTIONS VIA AN
INTERMEDIARY WEB SITE

RECEIVED

January 17, 2001

JAN 23 2001

OFFICE OF PETITIONS

Commissioner for Patents
Washington, DC 20231

Adjustment date: 03/07/2001 LGIBBS
01/22/2001 SSANDARA 00000010 09549370
01 FC:122 -130.00 OP

Repln. Ref: 03/07/2001 LGIBBS 0010075900
DA#:500220 Name/Number:09549370
FC: 704 \$130.00 CR

**PETITION TO GRANT FILING DATE
AND TO REFUND PETITION FEE**

Sir:

As set forth in 37 CFR §1.10(c) and MPEP § 506.02, Applicants hereby petition to grant the proper filing date of April 13, 2000 rather than April 14, 2000 for the above-identified patent application as this was the date the application was deposited as "Express Mail" in the U.S. Postal Service. The following is enclosed as evidence of April 13, 2000 being the correct filing date under 37 C.F.R. §1.10:

1. A true and accurate copy of the Cover Sheet for the Application showing the Express Mail signature and date of April 13, 2000 on Page 2; and
2. A true and accurate copy of the Express Mail Pickup Service Statement (PS Form 5541-C) marked by the United States Post Office as being picked up on April 13, 2000.

A true and accurate copy of our return post card from the United States Patent Office shows that Applicants were improperly given the filing date of April 14, 2000 instead of the Express Mail date of April 13, 2000.

01/22/2001 SSANDARA 00000010 09549370

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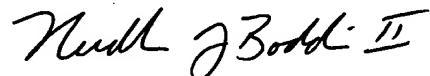
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This petition is being filed promptly after Applicants became aware of the improperly accorded filing date. There is no error on the part of Applicants. Accordingly, Applicants respectfully request the granting of April 13, 2000 as the filing date pursuant to 37 CFR §1.10.

A check in the amount of \$130.00 in payment of the petition fee as set forth in 37 CFR §1.17(h) is enclosed herewith. Any additional fee may be charged or any overpayment or refund credited to our Deposit Account No. 50-0220. Because Applicants properly followed the requirements of 37 CFR §1.10 and the USPTO failed to accord the proper filing date under MPEP §505, Applicants also respectfully request refund of the petition fee submitted herewith.

Respectfully submitted,

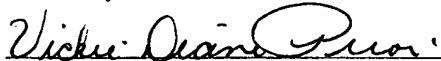


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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on January 17, 2001.


Vickie Diane Prior
Date of Signature: January 17, 2001